

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Oscar Cruz, Mynor Polanco, Carlos Vasquez, and German  
DeJesus Portillo

Plaintiff(s),

*-against-*

Demarco Bros Landscaping & Tree Service Corp d/b/a  
Frank Giovinazzo Tree Service d/b/a Frank Giovinazzo  
North Shore Tree Service d/b/a North Shore Tree Service,  
and Theodore Passelis,

Defendant(s).

**Case No. 2:23-cv-9200  
(GRB)(ARL)**

**PLAINTIFFS' FIRST  
REQUEST FOR  
PRODUCTION TO  
DEFENDANTS**

**INTRODUCTION**

Plaintiffs Oscar Cruz, Mynor Polanco, Carlos Vasquez and German DeJesus Portillo (“Propounding Party”) hereby requests that Defendants Demarco Bros Landscaping & Tree Service Corp. and Theodore Passelis (“Responding Party”) produce for inspection and copying the documents requested herein at the office for Plaintiff’s counsel, 133 C New York Avenue, PO Box 710, Huntington, NY 11743, within thirty (30) days of service hereof.

**DEFINITIONS AND INSTRUCTIONS**

“The full text of the definitions and rules of construction set forth in paragraphs (c) and (d) [of Local Rule 26.3] is deemed incorporated by reference into [the following] discovery requests.” Local Civil Rule 26.3(a).

**Relevant Time Period.** The relevant time period means the six-year period preceding the filing of the complaint (from December 15, 2017) to the present time. Unless otherwise specified each interrogatory covers the relevant time period.

“Plaintiffs” means Oscar Cruz, Mynor Polanco, Carlos Vasquez, and German DeJesus Portillo.

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all records of hours worked for each plaintiff, including the time of the beginning and ending of each workday, the beginning and ending of each meal period, and the total hours worked each pay period for each Plaintiff throughout the relevant time period.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all payroll records for each Plaintiff throughout the relevant time period. specifically detailing the calculation and payment of wages.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce copies of all checks issued to the Plaintiffs during the relevant time period.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce copies of any and all documents furnished to the Plaintiffs with each payment of wages.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents concerning the hiring of each plaintiff, including, but not limited to:

1. I-9 employment eligibility verification form (not required for volunteers, independent contractors, or unpaid interns)
2. W-4 federal tax collection form
3. IT-2104 New York state tax withholding form
4. Notice of Pay Rate as required by NYLL 195(1).

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents concerning the separation from employment of each Plaintiff, including the reason(s) therefor.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents concerning any training provided to employees of Demarco Bros Landscaping & Tree Service Corp on wage and hour laws and regulations, regardless of date.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents concerning any policies or procedures implemented by Demarco Bros Landscaping & Tree Service Corp regarding wage and hour compliance regardless of date, pertaining to the payment of overtime premiums, issuance of wage statements, and issuing hiring notices.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents furnished to Oscar Cruz, Carlos Vasquez, Mynor Polanco, and German De Jesus Portillo at or about the time they were hired.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all communications concerning wage and hour compliance, regardless of date.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all communications between Edgardo Villalobos and the Plaintiffs, regardless of date.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents concerning any audits or inspections conducted by any government agency regarding wage and hour compliance at Demarco Bros Landscaping & Tree Service Corp, regardless of date.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents concerning any allegations of wage and hour claims against Demarco Bros Landscaping & Tree Service Corp specifically pertaining to unpaid wages, overtime violations, unpaid overtime, wage statement claims, and wage notice claims, regardless of date.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents concerning any settlements, judgments, or other resolutions of wage and hour claims against Demarco Bros Landscaping & Tree Service Corp specifically pertaining to unpaid wages, overtime violations, unpaid overtime, wage statement claims, and wage notice claims, regardless of date.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents concerning any allegations of national origin discrimination against Demarco Bros Landscaping & Tree Service Corp, specifically concerning the treatment, pay, or termination of employees based on their national origin, regardless of date.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all documents concerning any training provided to employees of Demarco Bros Landscaping & Tree Service Corp on national origin discrimination and compliance with the New York State Human Rights Law, regardless of date.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents concerning any policies or procedures implemented by Demarco Bros Landscaping & Tree Service Corp regarding national origin discrimination, regardless of date.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents concerning any internal investigations or complaints regarding national origin discrimination at Demarco Bros Landscaping & Tree Service Corp, regardless of date.

**REQUEST FOR PRODUCTION NO. 18**

Please produce all documents concerning the national origin of all employees of Demarco Bros Landscaping & Tree Service Corp. from January 1, 2020 until the present.

**REQUEST FOR PRODUCTION NO. 19**

Please produce all documents concerning worker's compensation and/or disability insurance in effect during the relevant time period.

**REQUEST FOR PRODUCTION NO. 20**

Please produce all documents concerning the computation and payment of quarterly and yearly state and federal income taxes during the relevant time period.

**REQUEST FOR PRODUCTION NO. 21**

Please produce all documents concerning the calculation and payment of unemployment insurance contributions by you during the relevant time period.

**REQUEST FOR PRODUCTION NO. 22**

Please produce copies of all income tax returns filed by Demarco Bros Landscaping & Tree Service Corp. covering the calendar years 2020 to the present.

**REQUEST FOR PRODUCTION NO 23**

Please produce copies of all documents concerning the gross income of Demarco Bros Landscaping & Tree Service Corp. from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO 24**

Please produce all documents identified in response to Interrogatories Nos. 2, 4, 7, 11, 13, 15, 17 and 19.

Dated: October 30, 2024

Moser Law Firm PC

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TO: All counsel of record (via email)